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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/883,278	06/19/2001	Koji Sakai	1248-0544P-SP	1248-0544P-SP 9443	
2292	7590 06/19/2006		EXAMINER		
	EWART KOLASCH &	HO, DU	HO, DUC CHI		
PO BOX 747 FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER	
,			2616		

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action

Application No.	Applicant(s)		
09/883,278	SAKAI ET AL.		
Examiner	Art Unit		
Duc C. Ho	2616		

Examinar  Duc C. Ho  2818  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILED 24 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  If the reply was filed after a final rejection, by prior to or on the same day as Stilling a Notice of Appal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appal (with appeal see) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires on: (1) the mailing date of the final rejection.)  The period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In no event, however, will be stauctory period for reply expires be to (a) or (b). NOV-FIGKE 800; (WHEN THE FIRST REPLY WAS FILED WITHIN TWO MOVING OT THE FINAL REJECTION See INFEP 708 07(1).  Examinar the final rejection, whichever is later. In no event, however, will be stauctory period of reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later. In no event, however, will be stauctory period for reply expires and the properties extension for his benefit or the final rejection. The properties extension for his benefit of the date of purposes of determining the period of extension and properties the replace of the properties of extension for the properties of the properties extension for his benefit of the date of purposes of determining the period of extension and or reply originally set in the final rejection, even if timely filed, may reduce any example pastent term adjustment. See 37 CFR 1.137(a), or any extension thereof (37 CFR 41.37(e), benefit in experiments and the septiments of the date of the mailing date of the final rejection, even if ti	Advisory Action	09/883,278 SAKALET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILEO 24 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE  I. 29 he reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant mist timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31 or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires or. (1) the mailing date of the final rejection, whichever is later. In no went, however, will the statutory period for reply expires the the StANONTH'S from the mailing date of the final rejection, whichever is later. In no went, however, will the statutory period for reply expires the the StANONTH'S from the mailing date of the final rejection, whichever is later. In no went, however, will the statutory period for reply expires the the Not (a) of (b). NOY-CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MFEP 708 07(7).  Extensions the property of the property o	Before the Filing of an Appeal Brief	Examiner	Art Unit					
THE REFLY FILED 24 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.13, for a provided Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filled with no erof the following time periods.  3)  The period for reply expiresmonths from the mailing date of the final rejection.  4)  The period for reply expires or (1) the mailing date of this Advisory Action, (2) the date set forth in the final rejection, whichever is later. In no the final rejection is the final rejection of the final rejection of the final rejection of the final rejection is the final rejection of the final rejecti		Duc C. Ho	2616					
Memory	The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence addi	ress				
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b)	1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:							
MONTHS OF THE FINAL RELIECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is acciduated from: (1) the expiration date of of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is acciduated from: (1) the expiration date of the shortest data to prevent a statutory period for reply originally set in the final Original coverage and extension from the statutor of filling the notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to piace the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. ☐ Newly proposed or amended claim(s)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for have been filled is the date for purposes of determining the period of extension and the corresponding amount of the feet. The proposed substance is the proposed of the proposed provided that the proposed provided the proposed provided that the proposed provided that the proposed provided that the proposed amendment (s) filed provided as the proposed amendment (s) filed amendment (s) filed amendment (s) filed amendment (s) filed proposed or appeal, and (s) and (s) applicant's reply has overcome the following rejection, so the claims (s) and (s) and (s) and (s) appeal (s) and (s) and (s) and (s) appeal (s) and (s)	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)	. ONLY CHECK BOX (b) WHEN THE FI ).	RST REPLY WAS FILED	OWITHIN TWO				
of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    MENDMENTS	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
(a)	of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
(c)	3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below):							
NOTE: (See 37 CFR 1.116 and 41.33(a)).  4.	(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for							
<ul> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li></ul>			jected claims.					
<ul> <li>5.</li></ul>								
<ul> <li>6.</li></ul>	4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).							
<ul> <li>7.</li></ul>	6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling							
Claim(s) allowed: 15-17 and 19-21. Claim(s) objected to: 9-11 and 13. Claim(s) rejected: 1-8,12,14 and 18. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  Duc C Ho Primary Examiner	7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of							
Claim(s) rejected: 1-8,12,14 and 18. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  Duc C Ho  Primary Examiner	The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 15-17 and 19-21.							
AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  Duc C Ho Primary Examiner	Claim(s) rejected: <u>1-8,12,14 and 18</u> .							
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<ul> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. <a href="REQUEST FOR RECONSIDERATION/OTHER">REQUEST FOR RECONSIDERATION/OTHER</a></li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)</li> <li>13.  Other:</li> </ul> Duc C Ho Primary Examiner	because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary							
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Duc C Ho Primary Examiner	13.							
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		6-12-06	Duc C Ho Primary Examiner Art Unit: 2616					

Continuation of 11. does NOT place the application in condition for allowance because: Examiner has added a few words to point out a device in figure 2, which should be addressed in previous office action for claim 1, however, that isn't a new ground of rejection for independents claims 1, and 18.